

DOCKET NO: HHD-CV16-6071180-S	:	SUPERIOR COURT
	:	
INDEPENDENT PARTY OF CT- STATE CENTRAL, ET AL.	:	JUDICIAL DISTRICT OF
VS.	:	AT HARTFORD
DENISE MERRILL, AS CT SECRETARY :	:	
OF THE STATE; MICHAELTELESCA;	:	
ROCCO FRANK, JR.	:	AUGUST 28, 2019

MOTION TO COMPEL COMPLIANCE WITH JUDGMENT

This Court’s judgment was very clear – “the [Secretary of the State] must accept only the nominations and endorsements of the Independent Party . . . made pursuant to the 2010 bylaws” of the Independent Party. But the SOTS has failed to comply with that order. The Independent Party’s 2010 bylaws govern nominations by the Independent Party for municipal as well as state offices. The SOTS has accepted endorsement papers from municipal candidates who were *not* endorsed pursuant to the bylaws. The Court should order SOTS to comply with its judgment.

This case arises from a longstanding dispute over leadership in the Independent Party of Connecticut—a dispute which has now been decisively resolved. After a bench trial in October 2017, this Court entered judgment in favor of Michael Telesca and Rocco Frank, Jr., finding that they “are the duly elected officers of the Independent Party” and that the 2010 Independent Party bylaws “are the validly adopted and operative bylaws of the Independent Party.” *Indep. Party of CT-State Central v. Merrill*, Mem. of Decision, at 45 (Doc. No. 155.00). The Court further “declare[d] and order[ed] that the SOTS must accept only the nominations and endorsements of the Independent Party . . . made pursuant to the 2010 bylaws” *Id.* at 46. The plaintiffs in that case filed an appeal, and the Connecticut Supreme Court affirmed this Court’s judgment. *Indep. Party of CT-State Cent. v. Merrill*, 330 Conn. 681 (2019).

The 2010 bylaws, which pursuant to this Court’s order are the operative bylaws for the Independent Party, set out the process for nominating Independent Party candidates for municipal office. In Article 4, “Independent Party District and Town Caucuses for Nominating Candidates for Public Office and Electing State Central Committee Members,” the bylaws provide that caucuses are to be convened by town or district committees, and “[c]andidates for office . . . will be determined by eligible members of the Independent Party that live in the district or town that the candidates represent. The Independent Party provides local control to its members.” Independent Party of Connecticut Rules and Bylaws Art. 4 § 4 (attached as Exhibit A).

Despite the explicit language of this Court’s order, the Secretary of the State’s office has repeatedly accepted applications for nominating petition forms for municipal races for the Independent Party ballot line from groups *not* affiliated with the Independent Party and from candidates who were *not* endorsed pursuant to its bylaws. This has taken place in Enfield, East Haven, Fairfield, Groton, New Britain, Norwalk, Portland, Rocky Hill, Stamford, Colchester, East Haven, Broad Brook and Bristol. These supposed nominations—most of which are cross-endorsements of Republican candidates—have been filed without any evidence that they were made in compliance with either the 2010 bylaws or this Court’s order – which they were not. Thus, the nominations are inconsistent with this Court’s order that SOTS must accept “*only* the nominations and endorsements of the Independent Party . . . made pursuant to the 2010 bylaws.” Mem. of Decision at 45 (emphasis added). In some cases, the outside groups have also filed Form 601 (“Application for the Reservation of Party Designation and Formation of Party Designation Committee”) claiming the name “Independent Party” on local ballots; but because

the Independent Party is already a recognized statewide party, there cannot be new local parties created using that name, and so these applications should not be accepted.

Further, and separately, it does not appear that the Connecticut election statutes permit cross-endorsements in municipal elections. The provision on cross-endorsements provides that “[a] candidate for an office appearing on a ballot for a state election, as defined in section 9-1, may appear on the ballot as a candidate for more than one major or minor party” Conn. Gen. Stat. § 9-373b. “State election” means “the election held in the state on the first Tuesday after the first Monday in November *in the even-numbered years* in accordance with the provisions of the Constitution of Connecticut,” and therefore does not apply to municipal elections held in odd-numbered years. Conn. Gen. Stat. § 9-1 (emphasis added). Such cross-endorsements therefore violate the statute, but that is a separate issue from the Secretary of the State’s compliance with this Court’s order.

Because the deadline to print ballots for the upcoming municipal elections is fast approaching, Michael Telesca, as Chairman of the Independent Party, requests that this Court order the SOTS to comply with the Court’s 2018 order by rescinding its prior acceptance of any and all applications for nominating petitions for the Independent Party ballot line that have been filed without evidence that they were made pursuant to the 2010 bylaws, and rejecting any such nominating petitions going forward.

**THE DEFENDANT
MICHAEL TELESKA**

By /s/William M. Bloss

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CERTIFICATION

I hereby certify that a copy of the attached has been served in accordance with the applicable Rules of Practice and/or Procedure on August 28, 2019 on:

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EXHIBIT A

**INDEPENDENT PARTY OF CONNECTICUT
RULES AND BYLAWS**
Amended March 20, 2010

CLERK OF THE
LEGISLATION & ELECTIONS
REGISTRATION DIVISION
2010 MAR 22 PM 3:09



PURPOSE AND OBJECTIVES

The Independent Party has been established to provide all Connecticut residents an alternative political organization dedicated to ensuring open, honest government, with realistic objectives.

The Independent Party is open to all electors without discrimination on the grounds of race, color, creed, gender, or religious beliefs. We welcome the participation by any and all Connecticut residents who desire to join the Independent Party and participate in its goals and objectives.

The Independent Party hereby dedicates itself to ensuring that all regular meetings and conferences will be conducted openly, and invites members and nonmembers alike to attend these meetings.

The Independent Party invites and solicits all residents of Connecticut to become active members and participate in a movement to bring honest, open, non-partisan problem-solving to government; to promote responsible and sustainable governmental policies; to fight corruption; and to promote ballot access for citizens who want to be public servants.

The Independent Party provides assurance that it will strive to protect all of Connecticut's assets; improve and maintain them through a continuing, rigorous plan of action designed to enhance the economic well being of all Connecticut residents.

The Independent Party is committed to succeed in returning Connecticut to the esteemed position it once enjoyed through the proper usage of all its resources and economic potential.

The Independent Party of Connecticut Rules and Bylaws

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ARTICLE 1: INDEPENDENT PARTY STATE CENTRAL COMMITTEE

Section 1. Membership

The State Central Committee shall consist of:

- (a) One representative from each state senatorial district that:
 - (i) has ballot status for the Independent Party in the state senate election in the next even-year election, or;
 - (ii) contains at least part of one state representative district that has ballot status for the Independent Party in the state representative election in the next even-year election.

and

- (b) One representative from each town that has an Independent Party Town Committee (see ARTICLE II) and has a member of the Independent Party holding an elected municipal public office.

A State Central Committee member may not be both a state senatorial district representative and a town representative.

Section 2. Election of Members

State Senatorial District representatives and Town representatives will be elected in district and town caucuses (see ARTICLE IV). Other than the first term beginning under these rules in 2010, members will be elected in odd numbered years, no later than May 1.

Section 3. Terms of Members

Other than the first term beginning under these rules in 2010, members shall serve for a term of not less than 20 months or more than 28 months, commencing at the caucus session at which they were elected until the next caucus session called to elect the same representative position. Members can be re-elected.

Section 4. Election of Officers

The State Central Committee members will elect a Chair, Vice Chair, Treasurer, Secretary, and Parliamentarian at the first State Central Committee meeting after May 1 of each odd number year. In the first term beginning in 2010, officers shall be elected at the first state caucus of 2010. Officers shall hold office from the time they are elected until their successors are elected. Any registered member of the Independent party can be elected by the State Central Committee to serve as an officer of the State Central Committee without being an elected member of the State Central Committee.

Section 5. Voting at State Central Committee meetings.

Each member of the state committee that represents a Town Committee shall have one vote on the State Central Committee. Members that represent state senatorial districts will have voting power based on the number of enrolled Independent Party members in the state senatorial district they represent, to be determined as follows:

Number of enrolled Independent Party members in District	Number of votes
Less than 500	1
500 to 1,000 inclusive	1½

Any member of the State Central Committee who is unable to attend any State Central Committee meeting may appoint in writing any Independent Party member who resides in the member's representative area to act on his or her behalf and the appointed person must be present to vote and can not already be a member of the State Central Committee. You can only represent one State Central Committee member at a time. The appointment will be dated and signed by the principal and shall be valid only for the specified meeting.

Section 6 Quorum for State Central Committee Meetings.

The presence of 50% of the members eligible to attend shall constitute a quorum.

Section 7 Meetings.

The State Central Committee shall meet at least 3 times a year to discuss Party business. The next meeting date will be set at the close of a current meeting by those in attendance. The Chairman may call a meeting at any time by notifying all members five days in advance.

ARTICLE 2 INDEPENDENT PARTY RULES FOR TOWN COMMITTEES

Section 1 Composition of Town Committees

The number of membership positions and the basis of representation on each town committee shall be set by local rules. However, a town committee shall consist of not less than three (3) members.

Section 2 Election of Town Committee

Town Committee members shall be elected by the enrolled members according to local Independent Party town rules. If local rules have not been written, local party members shall form a caucus with at least 15 days notice in the local newspaper to elect members at large or by district. Any member of the Independent Party of the State of CT may assist local members to form a caucus, but can not vote unless he or she lives within that town.

Section 3 Terms of Members

Town Committee members shall serve for a term of not less than 18 months or more than 26 months, commencing at the caucus session they were elected until the next caucus session called to elect town committee members.

Section 4 Increased Membership

A Town Committee, at a meeting called for that purpose with at least 15 days notice to town committee members, may by majority vote of a quorum defined by the local town rules, increase its membership anytime during a term, provided that they abide by local bylaws written to address those events. Any increased membership would serve for only the remainder of the present term.

Section 5 Vacancy

Any vacancy on a town committee arising from any cause, including failure to elect, may be filled by the town committee by a majority vote of those present and voting, at a meeting called for that purpose with at least 15 days notice to town committee members.

Section 6 Election and call of Organizational Meeting

The chairperson in office immediately prior to the election of new town committee members shall call a meeting of the newly elected town committee not more than fourteen days after the election, for the purpose of electing new officers of the town committee as prescribed in party rules. If the current Chairman fails to act, any three members of the newly elected town committee can call for a meeting to elect officers by notifying all members of the new town committee.

Section 7 Term of Town Committee Officers

Officers shall hold office for the term of the town committee electing them, and until their successors are elected.

Section 8 Ratification

Town committee rules are not valid until submitted to the State Central Committee, and accepted by the State Central Committee by majority vote. State Central Committee must meet within 30 days of submission, or rules become effective automatically.

Section 9 Existing Town Committees

Any Independent Party Town Committees that have been formed and have filed Independent Party Town Committee By-Laws with the CT Secretary of the State office for their towns or cities before these Independent Party State by-laws are filed with the CT Secretary of the State will be accepted by the Independent Party State Central Committee without any further review and will be the accepted Town Committee for that Town or City. Any changes or updates or any new town committees must be presented to the State Central committee for review and approval before going to the CT Secretary of the State for filing.

ARTICLE 3 INDEPENDENT PARTY STATE CAUCUSES

Section 1 Presiding Officer

The presiding officer of state caucuses will be the chair of the State Central Committee, or the vice chair of the State Central Committee if the chair is unable to attend. If neither the chair or the vice chair is present, the State Central Committee shall elect a temporary chair for the caucus.

Section 2 Rules of State Caucuses

State Caucuses will follow Robert's New Rules of Order, Revised; unless otherwise stated in the Independent Party State Bylaws.

Section 3. Voting Eligibility

One must be a registered member of the Independent Party for a minimum of 90 continuous days prior to a state caucus to have voting rights at that state caucus.

Section 4. Date and Location of State Caucuses

A state caucus will be held a minimum of once per calendar year. In even numbered years, one caucus will be held no later than May 1. In odd numbered years, one caucus will be held no later than June 1, and no earlier than May 1 or after the election of all new members at district and town caucuses (see ARTICLE IV). Additional state caucuses may be called by a majority vote of the State Central Committee. The date and place of every state caucus will be determined by majority vote of the State Central Committee. The time and place of statewide party caucuses will be announced by the chair of the party a minimum of 21 days in advance through email notifications to all members that have provided the secretary with email addresses, and with a notification in the Hartford Courant. Notification will also be delivered to the Secretary of the State's office a minimum of 7 days in advance of the meeting.

Section 5. Nomination of Statewide Candidates for Public Office

Independent Party candidates for statewide public offices (even numbered years) will be determined at the first state caucus of the year. The State Central Committee will nominate one candidate for each state wide office through majority vote at a State Central Committee meeting at the state caucus. Independent Party members with voting eligibility (see Section 3) may nominate additional candidates from the floor. All registered members of the party with voting eligibility (see Section 3) in attendance may vote for one of the nominated candidates for each office. The candidate for each office who receives 51% of the votes at the state caucus will be the nominee of the party. If there are three or more candidates for an office and no one gets at least 51% of the votes then the candidate with the lowest number of votes shall be removed from the candidates list and a new vote will take place until a candidate receives 51% or more of the vote. The presiding officer of the state caucus will file an endorsement letter for each nominated candidate with the Secretary of the State's office within 5 business days, and apply for all necessary paperwork (petitions, etc.) to get the candidate on the ballot in November. Nominations of candidates for public office chosen at a statewide party caucus can only be changed with permission of the nominated candidate. A request by a majority vote of the State Central Committee must be made in writing, with proof of delivery, to the candidate to step down. The candidate must respond in writing to the party chair within two weeks of the delivery of the request. If the candidate agrees to step down, the State Central Committee will call another statewide party caucus to nominate a new candidate if there is time left on the election calendar to accomplish this; if not then: The State Central Committee shall fill any statewide office left vacant by the statewide caucus or for any other reason that a vacancy occurs by a simple majority of it's members at a meeting called for that purpose.

Section 6. Change of Party Rules

Party Rules can only be changed by a majority vote of eligible voting members (see Section 3 above) of the Independent Party in attendance at a statewide party caucus. The chair of the party will deliver any changes to the party rules to the Secretary of the State's office within 5 business days.

ARTICLE 4 INDEPENDENT PARTY DISTRICT AND TOWN CAUCUSES FOR NOMINATING CANDIDATES FOR PUBLIC OFFICE AND ELECTING STATE CENTRAL COMMITTEE MEMBERS

Section 1 Presiding Officer

Independent Party members in attendance with voting eligibility (see Section 3 below) shall elect the presiding officer for the caucus.

Section 2 Rules of Caucuses

Caucuses will follow Robert's New Rules of Order, Revised; unless otherwise stated in the Independent Party State Bylaws.

Section 3. Voting Eligibility

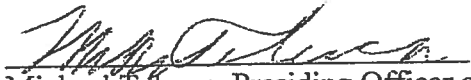
One must be a registered member of the Independent Party for a minimum of 90 continuous days prior to a caucus to have nominating and voting rights at that caucus. For nominating candidates for public office, one must also be able to vote in the upcoming public election for the office that is being considered to have nominating or voting eligibility for that nomination. For State Central Committee membership, one must reside in the state senate district, or town, that that member will represent to have nominating or voting eligibility.

Section 4. Date and Location of Caucuses

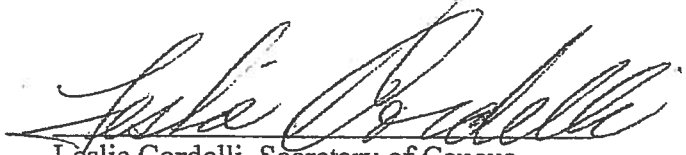
District and Town caucuses to elect members of the State Central Committee must be held prior to May 1 of each odd-numbered year. District and Town caucuses to nominate candidates for public office must be held no later than August 1. The date and place of every caucus for nominating candidates for public office or electing State Central Committee members will be determined by the Town Committee of the town with the most number of registered members of the Independent Party that also overlaps or contains the voting district boundary. The number of registered members in each town will be determined using the most recent Secretary of the State's electronic voter database that is available to the State Central Committee. The time and place of the caucus will be announced a minimum of 21 days in advance through email notifications to all members that have provided the Town Committee with email addresses, and through notifications in the local newspapers of the district. Notification will also be delivered to the Secretary of the State's office a minimum of 5 days in advance of the meeting.

In plain English: Candidates for office and State Central Committee members will be determined by eligible members of the Independent Party that live in the district or town that the candidates represent. The Independent Party provides local control to its members.

The above rules and bylaws of the Independent Party of Connecticut were passed unanimously at a State wide caucus of registered Independent Party members called for the purpose of updating Independent Party of Connecticut By-Laws on March 20, 2010.



Michael Telesca, Presiding Officer of
Caucus and Agent of Independent Party
State Central Committee



Leslie Cordelli, Secretary of Caucus